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November 1, 2013

**VIA ECF**

Hon. Marilyn D. Go  
United States Magistrate Judge  
U.S. District Court, E.D.N.Y.  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re:** Moy v. Eltman, Eltman & Cooper, P.C.  
**Index:** 12-CV-02382 (MDG)  
**Our File:** 30984

Your Honor:

I write to report the parties' settlement progress to the Court regarding this FDCPA class action, and to ask for a brief (and hopefully final) extension of time with regard to the parties' deadline to file a Motion for Preliminary Approval of Class Action Settlement, currently due 11/5/13.

**I. Status Report:**

- a. The parties have reached agreement regarding attorney's fees and have finalized the text of all settlement documents without exception (including, e.g. the Settlement Agreement; a separate stipulation regarding attorney's fees; Confession of Judgment regarding attorney's fees to be held in escrow; Proposed Class Notice, Proposed Preliminary Order, Proposed Final Order, Proposed Opt-In Form, etc.). Opposing counsel reports that Defendant expects to execute the Agreement and related documents no later than Monday.

- b. The parties have also negotiated mutually acceptable language regarding the Defendant's certifications of the accuracy of the class list, and those certifications have been executed by Defendant.

**II. Request For Extension:**

Particularly in light of the fact that Plaintiff has not yet received the executed Agreement back from Defendants, Plaintiff requests an additional ten days (*i.e.* until 11/15/13) to file the Motion for Preliminary of Class Action Settlement. Plaintiff notes in this regard that the attorney in my office tasked with preparing the necessary memorandum, Liz Shollenberger, has been tied up with emergency election law hearings all week, and is now scheduled for an emergency appellate oral argument on Monday (in advance of Tuesday's elections), and that I have been under multiple brief filing deadlines in other federal consumer class actions all of this week.

Defendant consents to the requested extension. This deadline has been adjourned once previously. ECF Order dated 10/4/13.

Relatedly, Plaintiff requests on consent that the telephonic hearing on the motion for preliminary approval, currently scheduled for 11/12/13, be moved to a date after the requested 11/15 deadline for filing the motion.

Respectfully,

*s/Daniel A. Schlanger*

Daniel A. Schlanger

cc: Concepcion A. Montoya, Esq.  
Christopher J. McGinn, Esq.